1942.

File No. Boroughs II/4

Legal **DEPARTMENT**

B **BRANCH**

Subject:—

P-9-26

Rules and Notifications

under the

Bombay Municipal Boroughs Act

1925.

File No. Boroughs II/42

Std. Sectt. Slip 24-B a.

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QJT. 8.8.
8 c.

Office of the R.L.A.

Revised draft notice and order are sent herewith.

Id/- P.N.M.

Gd. T.S.
Remembrancer of Legal Affairs.

U.R. to H.D., No. 3979, dated 8th May 1942.

GJT. S.S.

d c

~~Office of the Collector.~~

~~Revised draft notice and order are sent herewith.~~

Sd.
Remembrancer of Legal Affairs,

~~D.O. to H.D., No. 2879, dated 8th May 1942.~~

NOTICE.

Whereas by his order No. P.O.L. 360 dated 20th November 1941 made in exercise of powers under 25-A of the Bombay District Police Act, 1890 (Bom. IV of 1890), the District Magistrate, Ahmedabad -

(a) declared that the inhabitants Borough of the Ahmedabad/Borough Minicipality by their conduct caused~~x~~ or contributed to the holding of unlawful assemblies during the communal riots in the City and suburbs on the 18th of April 1941 and subsequent days, and caused loss or damage to property or death or grievous hurt to certain persons, and

(b) required the Ahmedabad Borough Municipality to assess and recover, subject to certain specified exemptions, the amount of Rs.17,38,822/- determined by him as compensation for the said loss and damage and to apportion the same in the specified manner;

Whereas the Ahmedabad Borough Municipality has by its Resolution No.1433, dated the 17th December 1941, refused to comply with the said norder of the District Magistrate;

And whereas being satisfied after due inquiry that the Ahmedabad Borough Municipality has by reason of its refusal to comply with the said order of the District Magistrate made default in the performance of a duty imposed upon it under section 25-A of the ~~Bombay Dis-~~

Bombay District Police Act, 1890, ~~hereby~~ the Provincial Government has by its Order No. Dated made in exercise of its powers under section 218(1) of the Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925, ~~as~~ (Bom. XVIII of1925), directed the ~~S~~ Commissioner, Northern Division, to fix period for the performance of that duty;.

Now therefore I Commissioner, Northern Division, accordingly fix the period of six months from the date of this order as the period within which the Ahmedabad Borough Municipality shall perform that duty and carry out the said order of the District Magistrate.

GJT. 5.5.
4 c.

Office of the R.L.A.

Revised drafts of the orders and a notice to be issued by the Commissioner are sent herewith. It is presumed that none of the local authorities on whom the ~~xxx~~ order is to be served have yet attained the prescribed percentage of trained teachers.

2. In addition to rules 6, 58 and 58-A of the Bombay Primary Education Rules, 1924, it is necessary to mention rule 140 in the preamble of the proposed orders.

3. Under section 218(1) of the Municipal Boroughs Act, it is for the Commissioner to fix the period during which the duty should be performed. The revised draft order under the said section 218(1) does not therefore provide for fixing such period. The Commissioner will have to issue a notice fixing such period. ~~xxxx~~ A draft notice to be issued by the Commissioner is also sent herewith. The Commissioner should be asked separately to give 10 days' time as provided ~~xx~~ in the draft notice.

Sd. P.N.M.
1.10.

Remembrancer of Legal Affairs.

U.R. to E.D., No. 6253, dated the 1st Aug. 1942.

GJT. 5.5.
4 c.

Primary Teachers.
Local Authorities in Gujarat
Grant of duty pay to teachers under training.

GOVERNMENT OF BOMBAY.
Education Department.
Order No. 6472

Bombay Castle, 1942.

ORDER.

Whereas the Government of Bombay is informed that default has been made in the performance of the duty imposed on the Ahmedabad, Surat and Broach Borough Municipalities, being local authorities for the purposes of the Bombay Primary Education, Act, 1923 (Bom.IV of 1923), by rules 6, 58,58A and 140 of the Bombay Primary Education Rules, 1924, to make due provision in the budgets of their respective School Boards for year 1942-23 for deputing an adequate number of teacher for training during the said year and for payment of duty pay to such teachers for the period of their training;

And whereas the Government of Bombay is satisfied after due inquiry that the alleged default has been made by the said Municipalities;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 218 of the Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925) the Government of Bombay is hereby pleased to direct the Commissioner, Northern Division, to fix a period for the performance of the said duty.

By order of the Governor of Bombay

Joint Secretary to Government.

GJT. 5.5.
4 c.

NOTICE.

Whereas the Government of Bombay is informed that default has been made in the performance of the duty imposed on

*..... .. ..

being a local authority for the purposes of the Bombay Primary Education Act, 1923 (Bom. IV of 1923), by rules 6,58,58A and 140 of the Bombay Primary Education Rules, 1924 to make due provision in the budget of its School Board for the year 1942-43 for deputing an adequate number of teachers for training during the said year and for payment of duty pay to such teachers for the period of their training;

Here insert the name of the Municipality.

And whereas being satisfied after due inquiry that the alleged default has been made by the said Municipality the Government of Bombay has by its Order No. 6472, dated the *..... .... 1942 made in exercise of its powers under sub-section (1) of section 218 of the Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925) direct the Commissioner, Northern Division, to fix a period for the performance of the said duty;

*To be filled in

Now, therefore, I, Commissioner, Northern Division, accordingly fix a perio of *..... ..... from the date of receipt of this Notice by the * *..... as the period within which the ... shall per form the said duty.

*To be filled in by the commissioner.

Place.
Date

Commissioner,
Northern Division.

* Here insert the name of the Municipality.

GJT. 5.5.
4 c.

Primary Teachers.
Local Authorities in Gujarat. Grant of duty pay to teachers under training.

GOVERNMENT OF BOMBAY
Education Department.
Order No. 6472-A
Bombay Castle, 1942.

O R D E R .

Whereas the Government of Bombay is informed that the District Local Boards of Ahmedabad, Broach, Kaira, Surat and Panch Mahals, being local authorities for the purposes of the Bombay Primary Education Act, 1923 (Bom. IV of 1923), have made default in performing the duty imposed on them by rules 6, 58, 59A and 140 of the Bombay Primary Education Rules, 1924, to make due provision in the budgets of their respective School Boards for the year 1942-1943 for deputing an adequate number of teachers for training during the said year and for payment of duty pay to such teachers for the period of their training;

And whereas the said Local Boards have been given an opportunity to show cause why an order fixing a period for the performance of the said duty shall not be made;

And whereas the Government of Bombay is satisfied after due enquiry that the said Local Boards have been guilty of the alleged default;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 127 of the Bombay Local Boards Act, 1923 (Bom. VI of 1923) the Government of Bombay is hereby pleased to fix a period of 10 days from the date of receipt of this Order by the Local Board concerned for the performance of the said duty.

By order of the Governor of Bombay,

Joint. Secretary to Government.

GJT. 5.5.
4 c.

Office of the R.L.A.

It is doubtful if the Government can under section 220 of the Bombay Municipal ity Boroughs Act, 1925, m odify the rules made by the Commissioner under section 10 ofthe Act. The better course would be for the Government itself to make a rule in exercise of the powers conferred upon it by sub-section (1) of section 10. Although Government has under Government Resolution No.7240, dated the 10th September 1928 delegated to the Commissioner its power of making rules under sub-section (1) ofsection 10, it would still be competent for the Government to make rules under the above provision, for delegation does not imply a parting with powers by the person who grantsthe delegation (25 C.B.D. 391 at page 395).

2. A draft notification containing the necessary rule is sent herewith.

Sd.P.N.M.
12.9.
Remembrancer oflegal Affairs.

U.R. to G.D., No. 407 Confl. Dated 12th September 1942.

GJT. 5.8.
4 c.

Notification.

In exercise of the powers conferred by sub-section (1) of section 10 of the Bombay Municipal Boroughs Act, 1923 (Bom. XVIII of1925), the Government of Bombay is pleased to make the following rule, namely:-

"If at any time it appears to the Collector that a situation has arisen whereby the powers conferred and the duties imposed on any officer or authority under the Surat Municipal Election Rules, 1940, are not likely to be exercised or performed as required by the said rules, the said powers and duties shall be exercised and performed by the Collector or any other officer appointed by him in that behalf."

By order of the Governor of Bombay,

Secretary to Government.

GJT. 5.5.
4 c.